

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**REALTIME DATA, LLC,**

*Plaintiff,*

**V.**

**ACTIAN CORPORATION ET AL.,**

***Defendants.***

**CIVIL ACTION NO. 6:15-CV-463**  
**RWS-JDL**

## LEAD CASE

## JURY TRIAL DEMANDED

**REALTIME DATA, LLC,**

*Plaintiff,*

**V.**

**ORACLE AMERICA, INC.,  
HEWLETT PACKARD ENTERPRISE  
COMPANY, and HP ENTERPRISE  
SERVICES, LLC,**

***Defendants.***



**CIVIL ACTION NO. 6:16-CV-88**  
**RWS-JDL**

## LEAD CASE

## JURY TRIAL DEMANDED

## ORDER

Before the Court are Plaintiff Realtime Data LLC and Defendants EchoStar Corp. and Hughes Network Systems, LLC; Hewlett Packard Enterprise Co. and HP Enterprise Services, LLC; and Riverbed Technology, Inc.’s (collectively, “Moving Defendants”<sup>1</sup>) Joint Motions for Leave to Cancel Early Damages Expert Matters in case numbers 6:15-cv-463 (Doc. No. 391) and 6:16-cv-88 (Doc. No. 62). The Moving Parties have requested that they be excused from

<sup>1</sup> Dell Inc. and Oracle America, Inc. do not join this motion. Realtime does not seek relief in this motion as to its obligations with respect to these parties.

exchanging Early Damages Expert Reports and from participating in the Early Damages Expert hearing. The Moving Parties have noted that they do not believe the reports and hearing are necessary because they have attended mediations this spring that provided insight into where the parties stand with respect to damages, and will attend mediation again in the next six months where they hope to make additional progress.

While the Court appreciates the role of mediations in allowing the parties to gather insight into each other's damages positions, the Court notes that there are other purposes for its mandated Early Damages Expert requirements. Specifically, the hearing allows the Court to learn about the parties' damages positions. In addition, it gives the Court the opportunity to provide its own insight regarding any damages disputes between the parties. If the Moving Parties are willing to stipulate that they will not file any *Daubert* motions or other papers challenging the other Moving Parties' damages position prior to trial, the Court will grant the Moving Parties' Motions for Leave to Cancel Early Damages Expert Matters.

It is therefore **ORDERED** that the Moving Parties are given leave to file a stipulation consistent with this Order within seven (7) days of the date of this order if they so choose.

**So ORDERED and SIGNED this 20th day of September, 2016.**

  
JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE